

From: CPF.IGHOTLINE
To: (b)(6), (b)(7)(c)
Bcc: (b)(6), (b)(7)(c)
Subject: (b)(6), (b)(7)(c)
Date: Friday, September 19, 2014 14:12:00

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19 Sep 14

E-mail: (b)(6), (b)(7)(c)

Dear (b)(6), (b)(7)(c) :

This is in response to your complaint of 26 November 2013 alleging, among other matters, that you were improperly referred to a Mental Health Evaluation (MHE) by a superior on board (b)(6), (b)(7)(c). Upon receipt of your complaint, my office retained jurisdiction over your allegation of improper referral for a MHE. We also transferred your other allegations to the IG, (b)(6), (b)(7)(c), under case number (b)(6), (b)(7)(c), and that case has already been resolved. After interviewing you and reviewing documents related to your case we have determined that the date of your alleged MHE referral was 24 September 2013.

Due to a recent change in the law governing referrals of members of the armed forces to mental health evaluations, your complaint is governed by Department of Defense Instruction 6490.4, "Mental Health Evaluations of Members of the Military Services" of 4 March 2013 wherein the responsibility for determining whether or not a referral occurring after that date was improperly made rests with the Service member's commander or supervisor at the time of the referral.

In cases of this nature we would normally refer your allegation to your chain of command for their action; however in your case our records indicate that you have already filed a complaint under Article 138, UCMJ, which included this allegation. If you are dissatisfied with the results of the Article 138 process you may file another complaint with the IG on that basis.

We apologize for any confusion that may have been generated by the need to split your complaint into two separate case files. Thank you for bringing your concerns to our attention. This letter constitutes our final action on your complaint.

//s//

(b)(6), (b)(7)(c)